

ORDINANCE NO. 2023-014

**AN ORDINANCE OF THE TOWN OF PEMBROKE PARK,
FLORIDA AMENDING CHAPTER 2 ENTITLED
“ADMINISTRATION,” BY CREATING ARTICLE XII OF
THE TOWN’S CODE OF ORDINANCES, ENTITLED
“TRAVEL REIMBURSEMENT POLICIES AND
PROCEDURES;” PROVIDING FOR CODIFICATION;
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, the Town is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes; and

WHEREAS, the Town also has the express authority to establish reasonable per diem and travel allowances pursuant to Section 166.021(4), Florida Statutes; and

WHEREAS, the Town Commission is aware that the U.S. General Services Administration (“GSA”) annually updates per diem and travel reimbursement allowances by destination for official government travel and that said allowances may be used to guide municipal per diem and travel allowances; and

WHEREAS, upon recent review of the current per diem and travel allowances permitted by GSA, the Town Manager has determined several of the Town’s per diem and travel allowances are outdated and therefore, the Town Manager is recommending that the Town Commission increase several of the Town’s per diem and travel allowance amounts to equal the maximum amounts allowed by GSA; and

WHEREAS, the Town Commission also desires to incorporate Google Maps into the Town’s travel policy for purposes of establishing a uniform and widely accepted standard for calculating mileage when mileage is necessary for reimbursement; and

WHEREAS, The Town Commission of the Town of Pembroke Park, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety and welfare of the citizens of Pembroke Park.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 2, Article XII of the Town's Code of Ordinances, is created as follows:

ARTICLE XII. – TRAVEL REIMBURSEMENT POLICIES AND PROCEDURES

Sec. 2-310. Reimbursement policy and procedures for official travel.

- (a) Purpose. It is the intent of this section to regulate official travel expenses of Town officers, employees, and other authorized persons, as defined in F.S. § 166.021. It is also the intent of this section that the provisions of F.S. § 112.061, pertaining to municipalities, and any amendments, additions, or modifications to such provisions, shall be incorporated herein by reference, to the extent this section does not address a subject matter that is addressed in F.S. § 112.061, and that the provisions contained in this section shall be supplemental and in addition to the provisions of F.S. § 112.061. In the event of any conflict between this section and F.S. § 112.061, this section, in accordance with F.S. § 166.021, shall prevail.
- (b) Definitions. For purposes of this article, the following terms shall have the meanings indicated:

(1) *Officer or public officer.* An individual who, in performance of his/her official duties is vested by law with sovereign powers of government, who is elected by the people (mayor and Town Commission).

(2) *Employee or public employee.* The Town manager or an individual, whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular or full-time authorized position and is responsible to the Town manager.

(3) *Authorized person.*

(A) A person, other than a public officer or employee, as defined herein, whether elected or commissioned or not, who is authorized by the Town manager or Town Commission to incur travel expenses in the performance of his official duties; or

(B) A person who is called upon the Town to contribute time and services as consultant or adviser.

(4) *Traveler.* A public officer, public employee, or authorized person, when performing authorized travel.

(5) *Travel expense.* The usual, ordinary and incidental expenditures necessarily incurred by a traveler.

(6) *Common carrier.* Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm.

(7) *GSA (General Services Administration).* The Federal government agency tasked with managing government buildings and real estate, providing product and service procurement, and developing policies and regulations.

(8) *GSA Rate or Amount* shall mean the most current rate adopted by the GSA and in effect at the time the travel expense is incurred.

(c) *Authority to incur travel expenses.*

(1) All travel of public employees must be authorized and approved by the department head and Town manager. Multiday travel of the Town manager or a public officer must be approved by the Town Commission.

(2) Day trips may be authorized by the department head without approval of the Town manager.

(3) The Town shall not authorize or approve such a request of a public employee unless it is accompanied by a signed statement listing the purpose of such travel, the dates and expenses involved, and a copy of the travel itinerary attached.

(4) Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the Town and must be within the limitations prescribed by this policy.

(d) Computation of travel time for reimbursement. For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(1) Travel categories. The following travel categories are prescribed:

Class A. Continuous travel of 24 hours (or more) away from the city.

Class B. Continuous travel of less than 24 hours with an overnight absence from the city.

Class C. Travel for short or day trips when the traveler is not away from the Town overnight.

(2) Travel reimbursements. All travelers shall be reimbursed for the actual dollars spent with a maximum of the GSA rate for meals at the destination location. A detailed receipt is required for reimbursement. Reimbursements shall be made according to the following schedule:

(A) Meals for class B and class C shall be reimbursed for travel which:

(i) Breakfast begins before 6:00 a.m. and extends beyond 8:00 a.m.

(ii) Lunch begins before 12:00 noon and extends beyond 2:00 p.m.

(iii) Dinner begins before 6:00 p.m. and extends beyond 8:00 p.m.

(B) Meals for class A travel shall be authorized up to a maximum of the GSA rate for the destination location. A detailed receipt is required for reimbursement.

(C) When a traveler attends an event on the city's behalf and the fixed price of the meal exceeds the per meal allowance, the traveler shall be reimbursed the actual cost of the meal as authorized by the Town manager.

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(D) Receipts shall not be required for meals on authorized overnight travel.

(E) No traveler shall be reimbursed for meals gratuitously provided by another party.

(F) No traveler shall be reimbursed for meals when travel is confined to the Town or immediate vicinity, except as authorized by the Town manager.

(G) Reimbursement for overnight travel shall be for actual lodging expenses at the single occupancy rate, to be substantiated by paid receipts, and shall be reimbursed at a maximum of the current GSA lodging rate for the destination location.

(H) Lodging will be reimbursed for out of county, multiday activities, and shall be reimbursed at a maximum of the current GSA rate for lodging at the destination location.

(I) No sales tax shall be reimbursable to any person, unless the Town is also required by law to pay such tax.

(J) Items specifically disallowed for reimbursement purposes:

- (i) Alcoholic beverages;
- (ii) Entertainment;
- (iii) Any expenses incurred by dependents;
- (iv) Attendance at political rallies; and
- (v) Travel for the specific purpose of promoting the candidacy of an individual for public office.

(K) Other reimbursable expenses:

- (i) Toll charges;
- (ii) Taxi fares;
- (iii) Parking and storage fees;
- (iv) Fuel for Town vehicle;
- (v) Common carrier transportation—When required. (Must be approved by the Town manager);
- (vi) Valet parking—When necessary;
- (vii) Convention registration fees; and
- (viii) Baggage handling at \$0.50 per bag up to \$2.00 upon arrival and departure.

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(e) Transportation.

- (1) In no circumstance shall the Town vehicle be used for purposes other than authorized official travel.
- (2) All travel must be a usually traveled route. The Town manager shall designate the most economical method of travel for each trip.
- (3) All employees should utilize municipal vehicles when traveling on official business. This requirement insures adequate liability coverage in the event of an accident or injury. In those instances when a Town vehicle is not available, and with the prior approval of the department head and the Town manager, the use of privately owned vehicles may be authorized. Whenever travel is by privately owned vehicles, calculating the mileage for travel shall be deemed to start from the employee's usual Town work building/location (not from the employee's place of residence) to the official travel destination and the traveler shall be entitled to a mileage reimbursement at the "standard mileage rate." The standard mileage rate is set annually by the Internal Revenue Service. All mileage shall be from point of origin to point of destination based on a current Google map submitted with the travel expense report. Mileage will be based on the estimated most direct Google map route.
- (4) Travel reservation for official travel on a common carrier shall be made through the Town manager or individual designated by the Town manager to coordinate travel reservations. The Town manager or their designee shall insure that travel is cost-effective and pursuant to all procurement procedures adopted by the Town.

(f) Fraudulent claims. Any individual receiving an allowance or reimbursement by means of a false claim shall be liable for the amount of the overpayment, plus interest at a rate equal to the average rate currently received on investments and may be subject to termination or disciplinary action as provided by the Town Charter, personnel policy or any other applicable policy or law adopted by the Town Commission.(g) Standard procedures.

- (1) Travel voucher. Travel expense reports, on a form prescribed by the Town manager, shall be submitted by all individuals performing official travel within ten working days

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of the individual's return. Each approved travel expense report will be audited when received. Individuals requesting reimbursement are responsible for mathematical computation. Any report which is not approved or properly prepared, or is prepared in such a way as to be unauditable, will be returned for resubmission. Travel authorization and all required receipts must be submitted with the expense report in order to claim a reimbursement.

(2) Travel advances.

- (A) Travel advances for overnight travel must be requested at least two weeks in advance of the departure. An explanation as to the reason for travel, the amount of money and correct account to be charged must be indicated on the request.
- (B) No travel advances will be made for class C travel. Due to tax implications, reimbursement will be made to the employee in the payroll following submission of approved expense report.
- (C) Any unused portion of money advanced to a traveler shall be repaid immediately upon the return of the traveler. Any unused advance money not repaid within 15 calendar days after return of the traveler shall accrue interest at the average rate currently received on Town investments. Any Town employee not repaying any unused portion of a travel expense advance within 30 days after his/her return will have his/her salary withheld by the Town until repayment is made.
- (D) In instances where a trip should arise for a member of the Town Commission that does not provide ample notice to the Commission at a public meeting, then, with a minimum of 24 hours' notice, the traveler shall request the Town manager to send a memo to the mayor, each commission member, town attorney and town clerk advising them of the trip, departure date, justification and return date. At the first regular Town Commission meeting after return from an official trip, the council member shall make a verbal report to the council on the text of the trip.

Section 3. It is the intention of the Town Commission of the Town of Pembroke Park

that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective upon passage and adoption.

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PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS 8th DAY OF NOVEMBER, 2023.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2023.

ATTEST:

ASHIRA MOHAMMED
Mayor

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency:

JACOB G. HOROWITZ
Interim Town Attorney

VOTE

ASHIRA MOHAMMED

ERIK MORRISSETTE

WILLIAM R. HODGKINS

MUSFIKA KASHEM

GEOFFREY JACOBS
